

ESTTA Tracking number: **ESTTA738915**

Filing date: **04/08/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91226075
Party	Defendant The Prudential Insurance Company of America
Correspondence Address	DOROTHY VON HOLLEN THE PRUDENTIAL INSURANCE COMPANY OF AMERICA 213 WASHINGTON STREET MEZZANINE NEWARK, NJ 07102 UNITED STATES tmcentral@pirkeybarber.com, ckindel@pirkeybarber.com, ryounger@pirkeybarber.com, jfischer@pirkeybarber.com, drausa@pirkeybarber.com
Submission	Answer
Filer's Name	Rebecca R. Younger
Filer's e-mail	tmcentral@pirkeybarber.com, ckindel@pirkeybarber.com, ryounger@pirkeybarber.com, jfischer@pirkeybarber.com, drausa@pirkeybarber.com
Signature	/RRY/
Date	04/08/2016
Attachments	Answer to Notice of Opposition (PRUD075).pdf(573981 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRIAL AND APPEAL BOARD**

BERKADIA PROPRIETARY  
HOLDING LLC,

Opposer,

v.

THE PRUDENTIAL INSURANCE  
COMPANY OF AMERICA,

Applicant.

§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§

Opposition No. 91226075

Serial No. 86365772

Mark: INVESTORVIEW

**ANSWER TO NOTICE OF OPPOSITION**

Applicant, The Prudential Insurance Company of America, (hereinafter “Applicant”), hereby answers the numbered paragraphs in the Notice of Opposition filed by Berkadia Proprietary Holding LLC (“Opposer”) as follows:

1. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies them.

2. Admit.

3. [Opposer did not include Paragraph 3 in the Notice of Opposition]

4. Admit.

5. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies them.

6. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies them.

7. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies them.

8. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies them.

9. Admit.

10. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies them.

11. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies them.

12. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph relating to Opposer's claims of use and non-abandonment, and therefore denies them; Applicant denies the remaining allegations in this paragraph.

#### **AFFIRMATIVE DEFENSES**

1. Opposer's claims are barred by the doctrines of laches and/or acquiescence.

Applicant expressly reserves the right to plead additional affirmative and other defenses or counterclaims should any such defenses or claims be revealed by any discovery in this case.

WHEREFORE, Applicant requests that the Notice of Opposition be dismissed and judgment be entered in favor of Applicant.

Respectfully submitted,



Christopher M. Kindel  
Wendy C. Larson  
Rebecca R. Younger  
PIRKEY BARBER PLLC  
600 Congress Avenue, Suite 2120  
Austin, TX 78701  
Telephone: (512) 322-5200  
Facsimile: (512) 322-5201

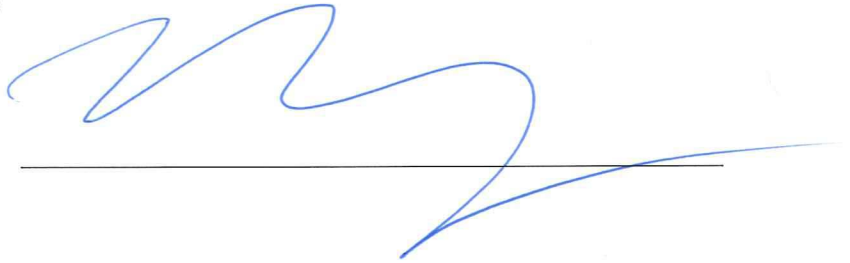
Date: April 8, 2016

ATTORNEYS FOR APPLICANT

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing ANSWER TO NOTICE OF OPPOSITION was served by first class mail on April 8, 2016 upon Opposer's attorney of record:

LOIS B. DUQUETTE  
CAROL STEINOUR YOUNG  
MICHAEL A. DOCTROW  
MCNEES WALLACE & NURICK LLC  
100 PINE STREET, P O BOX 1166  
HARRISBURG, PA 17108-1166

A handwritten signature in blue ink is written over a horizontal line. The signature is stylized and appears to be a cursive representation of a name.